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EXAMINER

ALBERTALLI, BRIAN LOUIS

ART UNIT

PAPER NUMBER

2626

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,246	OBILISSETTY, SRIDHAR	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN L. ALBERTALLI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,11-15,17,21-25,27 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,11-15,17,21-25,27 and 31-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant has amended claims 1, 7, 11, 17, 21, 27 and added new claims 31-41 reciting new limitations regarding managing a remote transcription provider based on a statistical metric and generating a notification when a duration between a current time and an expected delivery time become less than a predefined threshold. While the Application is correct that Wolfe et al. do not teach such features, Archbold (U.S. Patent 6,604,124) teach these features. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention to add these features to Wolfe et al. Thus, claims 1-5, 7, 11-15, 17, 21-25, 27, and 31-41 are rejected. Applicant's amendments necessitated the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 11-15, 17, 21-25, 27, and 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al. (U.S. Patent Application Publication 2004//0204938), in view of Archbold (U.S. Patent 6,604,124).

In regard to claim 1, Wolfe et al. disclose a method for capturing and transcribing information from a voice file, said method comprising:

providing instructions from a Web server to a first remote device via the Internet (see Fig. 1, instructions provided from transcription system 100 to input device 230 over the Internet, paragraph 36), wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal to guide a user through a process for transmitting a voice file for transcription (the input manager controller 160 guides the user to create a dictation, paragraph 42);

receiving at said Web server via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal (the speech is transmitted from the input device 230 to the transcription system 100, paragraph 39);

sending said voice file from said Web server to a remote transcription service provider via the Internet (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, paragraph 36); and

receiving at said Web server via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message (after the transcription is completed, it is sent back to the transcription system 100, paragraph 44).

Wolfe et al. do not disclose generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file; and

managing performance of said remote transcription provider as a function of said statistical metric.

Archbold discloses a method for remotely capturing and transcribing information from a voice file (see Abstract), comprising:

generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file (a "HOME" computer generates and maintains statistical records of transcription jobs provided to scribes, column 4, lines 35-45; see also column 3, lines 12-20); and

managing performance of said remote transcription provider as a function of said statistical metric (a "SUPERMOM" computer collects the statistical data from the "HOMES" and provides management of the transcription services, column 4, line 45 to column 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to generate a statistical metric based on performance of the remote transcription provider and manage the performance of the remote transcription provider as a function of the statistical metric, because this allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 2 Wolfe et al. disclose said information is a medical record (paragraph 33).

In regard to claim 3 Wolfe et al. disclose said voice file is received from a computer system communicatively coupled to a telephone (input management controller 160 coupled to telephone input device 230, paragraph 42), wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes).

In regard to claim 4 Wolfe et al. disclose said voice file is received from a dictation device communicatively coupled to a telephone (input management controller 160, paragraph 42), wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes), and wherein said voice file is received from said dictation device without using a port of said dictation device (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, i.e. "without using the port of said dictation device", paragraph 36).

In regard to claim 5 Wolfe et al. disclose monitoring the status of a voice file (the user can monitor the status of all dictation information, paragraph 34).

In regard to claim 7 Wolfe et al. disclose sending said transcript file to at least one of a facsimile machine (transmitting the document to a fax, paragraph 47); or a remote device operable to print said transcript file (transmitting the document to a printer, paragraph 48).

In regard to claim 11, Wolfe et al. disclose a computer system (Fig. 1) comprising:

- a bus (see Fig. 1, link 5 between elements 110-210, page 2, paragraph 35);
- a memory unit coupled to said bus (memory 120, page 2, paragraph 35);
- a processor coupled to said bus, said processor for executing a method for capturing and transcribing information from a voice file (the system of Fig. 1 must necessarily include a processor for performing computing functions); said method comprising:

- providing instructions to a first remote device via the Internet (see Fig. 1, instructions provided from transcription system 100 to input device 230 over the Internet, paragraph 36), wherein said instructions are for implementing a user interface according to user preferences (the input manager controller 160 guides the user to create a dictation, paragraph 42);

- receiving via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using a speech portal (the speech is transmitted from the input device 230 to the transcription system 100, paragraph 39);

sending said voice file from said Web server to a remote transcription service provider via the Internet (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, paragraph 36); and

receiving via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message (after the transcription is completed, it is sent back to the transcription system 100, paragraph 44).

Wolfe et al. do not disclose generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file; and

managing performance of said remote transcription provider as a function of said statistical metric.

Archbold discloses a system (Fig. 1) for remotely capturing and transcribing information from a voice file (see Abstract), wherein the system performs steps comprising:

generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file (a "HOME" computer generates and maintains statistical records of transcription jobs provided to scribes, column 4, lines 35-45; see also column 3, lines 12-20); and

managing performance of said remote transcription provider as a function of said statistical metric (a "SUPERMOM" computer collects the statistical data from the



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“HOMES” and provides management of the transcription services, column 4, line 45 to column 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to generate a statistical metric based on performance of the remote transcription provider and manage the performance of the remote transcription provider as a function of the statistical metric, because this allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 12 Wolfe et al. disclose said information is a medical record (paragraph 33).

In regard to claim 13 Wolfe et al. disclose said voice file is received from a computer system communicatively coupled to a telephone (input management controller 160 coupled to telephone input device 230, paragraph 42), wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes).

In regard to claim 14 Wolfe et al. disclose said voice file is received from a dictation device communicatively coupled to a telephone (input management controller

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160, paragraph 42), wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes), and wherein said voice file is received from said dictation device without using a port of said dictation device (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, i.e. "without using the port of said dictation device", paragraph 36).

In regard to claim 15 Wolfe et al. disclose monitoring the status of a voice file (the user can monitor the status of all dictation information, paragraph 34).

In regard to claim 17 Wolfe et al. disclose sending said transcript file to at least one of a facsimile machine (transmitting the document to a fax, paragraph 47); or a remote device operable to print said transcript file (transmitting the document to a printer, paragraph 48).

In regard to claim 21, Wolfe et al. disclose a computer-usable medium having computer-readable program code embedded therein for causing a computer system to perform a method (software, etc. page 7, paragraphs 107-109) comprising:

providing instructions to a first remote device via the Internet (see Fig. 1, instructions provided from transcription system 100 to input device 230 over the Internet, paragraph 36), wherein said instructions are for implementing a user interface

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according to user preferences (the input manager controller 160 guides the user to create a dictation, paragraph 42);

receiving via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using a speech portal (the speech is transmitted from the input device 230 to the transcription system 100, paragraph 39);

sending said voice file from said Web server to a remote transcription service provider via the Internet (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, paragraph 36); and

receiving via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message (after the transcription is completed, it is sent back to the transcription system 100, paragraph 44).

Wolfe et al. do not disclose:

monitoring a current time;

monitoring an expected delivery time for delivering said transcript file; and

generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold.

Archbold disclose:

monitoring a current time (a clock is started with a scribe downloads a file to be transcribed, column 6, lines 40-55);

monitoring an expected delivery time for delivering said transcript file (an estimated transcription time is determined, column 6, lines 17-27); and

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generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold (if the job is not downloaded by the scribe in time to transcribe, i.e. when the current time is less than the time necessary to transcribe, the scribe is notified, column 6, lines 55-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to monitor the current time and expected delivery time, and generate a notification if when a duration between the two was less than a notification threshold, because this would alert the scribe that the job had been lost and would ensure the scribe would not unnecessarily work on the transcription.

In regard to claim 22 Wolfe et al. disclose said information is a medical record (paragraph 33).

In regard to claim 23 Wolfe et al. disclose said voice file is received from a computer system communicatively coupled to a telephone (input management controller 160 coupled to telephone input device 230, paragraph 42), wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes).

In regard to claim 24 Wolfe et al. disclose said voice file is received from a dictation device communicatively coupled to a telephone (input management controller 160, paragraph 42), wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes), and wherein said voice file is received from said dictation device without using a port of said dictation device (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, i.e. "without using the port of said dictation device", paragraph 36).

In regard to claim 25 Wolfe et al. disclose monitoring the status of a voice file (the user can monitor the status of all dictation information, paragraph 34).

In regard to claim 27 Wolfe et al. disclose sending said transcript file to at least one of a facsimile machine (transmitting the document to a fax, paragraph 47); or a remote device operable to print said transcript file (transmitting the document to a printer, paragraph 48).

In regard to claim 31, Wolfe et al. do not disclose the performance metric.

Archbold discloses a performance metric that is selected from the group consisting of: a portion of said voice file waiting to be transcribed; and an amount of time relating to transcribing said voice file (the calculated transcription time is

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determined, and based on this, the management system will split the voice file into portions if needed for transcription from multiple scribes, column 6, lines 17-32).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to use a performance metric of either a portion of the voice file waiting to be transcribed or an amount of time relating to transcribing the file, because such performance metrics allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 32, Wolfe et al. do not disclose associating a time stamp with said file.

Archbold discloses associating a time stamp with the voice file (Date/Time stamps are associated with a job requests, completions, etc, column 6, lines 17-27);

wherein said statistical metric is generated as a function of said time stamp (the scribes are selected and managed based by the "SUPERMOM" based on the Date/Time stamps by determining whether the job can be completed in time, or the scribe responds in time, etc., column 6, lines 17-26 and line 52 to column 7, line 19).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to associate a time stamp with the voice file and generate the statistical metric based on the voice file, because this would ensure the transcription was completed within the requested priority time. Furthermore, such performance metrics allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 33, Wolfe et al. do not disclose managing performance.

Archbold discloses managing performance comprises managing a transcription workload of said remote transcription provider (see Fig. 1, "SUPERMOM" manages the workload of the remote scribes, column 4, line 58 to column 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to manage the workload of a remote transcription provider because this allows the transcription providers (scribes) to work as a distributed workforce and allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-47).

In regard to claim 34, Wolfe et al. disclose said user interface comprises an audible message that is accessed via said speech portal to guide said user through a process for capturing and transmitting said voice file for transcription (input manager 160 guides the user audibly through a set of options for recording the voice file for transcription, pages 2-3, paragraph 42).

In regard to claim 35, Wolfe et al. do not disclose:

monitoring a current time;

monitoring an expected delivery time for delivering said transcript file; and

generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold.

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Archbold disclose:

monitoring a current time (a clock is started with a scribe downloads a file to be transcribed, column 6, lines 40-55);

monitoring an expected delivery time for delivering said transcript file (an estimated transcription time is determined, column 6, lines 17-27); and

generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold (if the job is not downloaded by the scribe in time to transcribe, i.e. when the current time is less than the time necessary to transcribe, the scribe is notified, column 6, lines 55-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to monitor the current time and expected delivery time, and generate a notification if when a duration between the two was less than a notification threshold, because this would alert the scribe that the job had been lost and would ensure the scribe would not unnecessarily work on the transcription.

In regard to claim 36, Wolfe et al. do not disclose associating a time stamp with said file.

Archbold discloses associating a time stamp with the voice file (Date/Time stamps are associated with a job requests, completions, etc, column 6, lines 17-27);

wherein said statistical metric is generated as a function of said time stamp (the scribes are selected and managed based by the "SUPERMOM" based on the



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Date/Time stamps by determining whether the job can be completed in time, or the scribe responds in time, etc., column 6, lines 17-26 and line 52 to column 7, line 19).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to associate a time stamp with the voice file and generate the statistical metric based on the voice file, because this would ensure the transcription was completed within the requested priority time. Furthermore, such performance metrics allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 37, Wolfe et al. do not disclose:

monitoring a current time;

monitoring an expected delivery time for delivering said transcript file; and

generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold.

Archbold disclose:

monitoring a current time (a clock is started with a scribe downloads a file to be transcribed, column 6, lines 40-55);

monitoring an expected delivery time for delivering said transcript file (an estimated transcription time is determined, column 6, lines 17-27); and

generating a notification when a duration between said current time and said expected delivery time becomes less than a predefined notification threshold (if the job

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is not downloaded by the scribe in time to transcribe, i.e. when the current time is less than the time necessary to transcribe, the scribe is notified, column 6, lines 55-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to monitor the current time and expected delivery time, and generate a notification if when a duration between the two was less than a notification threshold, because this would alert the scribe that the job had been lost and would ensure the scribe would not unnecessarily work on the transcription.

In regard to claim 38, Wolfe et al. disclose said user interface comprises an audible message that is accessed via said speech portal to guide said user through a process for capturing and transmitting said voice file for transcription (input manager 160 guides the user audibly through a set of options for recording the voice file for transcription, pages 2-3, paragraph 42).

In regard to claim 39, Wolfe et al. do not disclose generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file; and

managing performance of said remote transcription provider as a function of said statistical metric via the Internet.

Archbold discloses remotely capturing and transcribing information from a voice file (see Abstract), wherein the system performs steps comprising:

generating a statistical metric at the Web server at least partially as a function of a level of performance of said remote transcription provider relating to transcribing said recorded message into said transcript file (a "HOME" computer generates and maintains statistical records of transcription jobs provided to scribes, column 4, lines 35-45; see also column 3, lines 12-20); and

managing performance of said remote transcription provider as a function of said statistical metric via the internet (a "SUPERMOM" computer collects the statistical data from the "HOMES" and provides management of the transcription services over the backbone of the internet, column 4, line 45 to column 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. include computer readable program code to generate a statistical metric based on performance of the remote transcription provider and manage the performance of the remote transcription provider as a function of the statistical metric, because this allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

In regard to claim 40, Wolfe et al. do not disclose managing performance.

Archbold discloses managing performance comprises managing a transcription workload of said remote transcription provider (see Fig. 1, "SUPERMOM" manages the workload of the remote scribes, column 4, line 58 to column 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to manage the workload of a remote transcription

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provider because this allows the transcription providers (scribes) to work as a distributed workforce and allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-47).

In regard to claim 41, Wolfe et al. do not disclose associating a time stamp with said file.

Archbold discloses associating a time stamp with the voice file (Date/Time stamps are associated with a job requests, completions, etc, column 6, lines 17-27);

wherein said statistical metric is generated as a function of said time stamp (the scribes are selected and managed based by the "SUPERMOM" based on the Date/Time stamps by determining whether the job can be completed in time, or the scribe responds in time, etc., column 6, lines 17-26 and line 52 to column 7, line 19).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wolfe et al. to associate a time stamp with the voice file and generate the statistical metric based on the voice file, because this would ensure the transcription was completed within the requested priority time. Furthermore, such performance metrics allows the management of the transcription services to be provided without a human monitor, as taught by Archbold (column 3, lines 21-34).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanevsky et al. (U.S.6,980,953) disclose a transcription service

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that manages remote transcriptions based on statistical metrics and time-to-delivery requirements.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Monday-Thursday, 8 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/  
Supervisory Patent Examiner, Art Unit 2626

BLA 11/4/08